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OUR LITTLE SECRETS

DR. DEAN'S DILEMMA

BY ALEXANDER COCKBURN

It sure looks like a wrap for Howard Dean's drive to be the Democratic presidential nominee. Unless the former Vermont governor has souvenirs of malodorous corruption in those famous sealed files from his gubernatorial stints in Montpelier, or once ran a version of Michael Jackson's Neverland in the Green Mountain state, or the right-to-lifers start circulating photos of him as a young doctor crouching between a woman's legs with the vacuum sucking out a fetus, he's got it all sown up.

Al Gore's endorsement earlier this month was only the icing on the cake. John Kerry will wanly struggle on, but defeat stares him harshly in the face, in Iowa and New Hampshire and beyond. John Edwards has to win in South Carolina, and the chances are strong that he won't. Wesley Clark and Dick Gephardt have a little more fight left in them. Gephardt is at least still in contention in Iowa, though his money is dwindling, and the mad NATO general is still opening offices. Dennis Kucinich, Al Sharpton, Carol Mosely Braun never stood a chance.

Joe Lieberman's campaign is also on Death Row, with inmates kept awake at night by the Connecticut senator's plaintive bleats of betrayal by Gore. It may not be true that Gore failed to call Lieberman to alert him to the impending Dean endorsement. On one account of a senior aide in the Clinton-Gore cabinet, the Connecticut senator wouldn't take the call. Call or not, it was surely an exquisite pleasure for Gore to sign the death warrant for Lieberman's bid. How could Gore forget that Lieberman

(**OLS** *continued on page 2*)

Protecting Wesley Clark

As Saddam Faces War Crimes Trial, the Milosevic Kangaroo Court Hops to US Orders

BY TIPHAINE DICKSON

The right to a fair and public trial, the cornerstone of criminal justice, has been under attack since September 11, 2001. The protean war on terrorism has led to a growing culture of judicial opacity and has had the effect of increasing the public's tolerance of closed proceedings, in the name of state security and national interests. Yet not only in the US—or at Guantanamo Bay—have the courthouse doors been slamming shut, and the workings of justice shielded from public view. At the International Criminal Tribunal for the former Yugoslavia (ICTY), the public and the media are often invited to step out of the public gallery for confidential portions of proceedings. The defendant's right to a public trial—and the public's right to measure whether justice is carried out independently and impartially—is infringed upon by security considerations with alarming frequency, particularly in the case of Slobodan Milosevic.

To exclude the public from even a fraction of such a historically important trial, before a Tribunal created by the Security Council of the United Nations— ostensibly to establish truth , reconciliation and peace—would seem to defeat the purpose. How can a UN body, however questionable the legal basis for its existence, disregard UN human rights instruments and General Assembly resolutions which elevate the right to a public trial to the gold standard in the protection of human rights? The fact that the ICTY was created for political considerations provides some insight into the question. Madeleine Albright was described as "the mother of the Tribunal" by its past President, and Madam Secretary also lent her name to the so-called "humanitarian" war in Kosovo.

Any doubt as to the political nature of the ICTY was put to rest by the imposition by the US government of bafflingly stringent conditions for the testimony, on December 15 and 16, of US presidential candidate Wesley Clark for the Prosecution in the Milosevic case. The American government succeeded in requiring that General Clark's testimony be held in the absence of the public or press, and obtained the right to delay the transmission of the testimony for 48 hours, in what the ICTY had called a "temporary closed session." The delayed transmission was designed to permit the US government to "review the transcript and make representations as to whether evidence given in open session (sic) should be redacted in order to protect the national interests of the US". This process will engender a further delay, as the Chamber considers US requests for censorship of the public record, in keeping with the legally nebulous concept of US "national interests".

But what could General Clark have to tell the Security Council Tribunal that he hasn't said in an interview, written in an oped, or detailed in one of his two self-congratulatory tomes on the art of war? More importantly, what could he possibly say against the interests of President Slobodan Milosevic that would require the imposition by the US of stringent conditions to protect its "legitimate national interests"? Could it

(**Clark** *continued on page 5)*

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basically lost Florida for him in 2000 by conceding the phony overseas GOP ballots, the notorious "Thanksgiving stuffing".

There never was any love lost between Gore and Lieberman and more recent wounds still fester. When Gore was positioning himself as an antiwar candidate earlier this year, with a harsh onslaught on Bush delivered in San Francisco amid the run-up to the attack on Iraq, Lieberman was almost certainly instrumental in rounding up enough of Gore's former financial backers, many of them prominent Jewish-Americans, to privately notify Gore that they would not support him in a bid for the nomination this time around. Gore took himself out of contention shortly thereafter.

Some Republicans reckon that Gore's endorsement of Dean was made in the belief that the Vermonter is certain to meet defeat in November, 2004, and that Gore is holding himself ready in 2008. But this may reflect wishful thinking on the part of many Republican strategists that Dean will be a pushover for Bush. He won't. As his blitzkrieg drive for the Democratic nomination shows, Dean is a very hard man to stop. He's put his foot in his mouth more than once, tangled furiously with Tim Russert and other poobahs of the national press elite. After each supposed set-back he's rebounded with ever greater strength. At this point his primary campaign is set to enter the political history books as one of positively Napoleonic brio and timing.

But Dean does face a problem, born of his early success. Assuming he carries the day in the early primaries, how is he to stay in the public eye all the way through to the Democratic convention in August? Suppose Dean is the effective Democratic nominee by Easter, then is he to assume the role of President-in-waiting, issuing portentous press releases about the issues of the day. Or is he to stay in the posture of scrappy challenger, cheekily whacking away at Bush on a daily basis. The press could easily weary of this, and Dean could be reduced to a spectral presence, yapping in the shadows beyond the campfire.

Pondering Dean's looming dilemma, a veteran from Ronald Reagan's unsuccessful bid to seize the Republican nomination from Gerald Ford in 1976 recalled this week the tribulations of retaining the interest of the press. "The president can always get headlines. In terms of delegate count we weren't that far behind Ford, but he was always handing out highway contracts in Florida and other crucial states and we had nothing to counter this. Then we heard that Lou Cannon, who'd been following Reagan for many years, was about to write a piece in the Washington Post saying the Reagan campaign was all washed up. We had to seize the initiative. In advance of the nomination Reagan quickly announced that he was picking Senator Richard Schweicker of Pennsylvania as his vice presidential running mate. That got us the headlines, and Cannon never did write that story, though Schweicker never did prize Pennsylvania delegates from Ford."

The Clintonites, who hate Dean, attack him as unelectable because he comes from a small poor state, has little experience in national campaigns and no experience of foreign policy. Been there before?

Dean has already flirted with this tactic. Back in September, to modulate his peacenik image, Dean held well-publicized meetings with General Wesley Clark, with the suggestion that the commander in chief of the Balkan wars might be his running mate. Probably more than anything else this annoyed Dean's core supporters, irked that their man might be parleying with the man once accused by the British general Sir Michael Jackson of trying to start World War Three by ordering him to attack the Russians at Pristina airport. So the Dean-Clark talks lapsed.

But politics abhor a vacuum. For a while the pundits will gnaw on the bone of Dean's supposed political extremism. They will quote Al From of the Democratic Leadership Council, fretting that Dean has to run to the center. They'll savage Dean for his attacks on the WTO. The less Dean talks about the war - and already he's trying to change the subject - the more he'll have to talk about something else, like the economy. Now it's one thing to call for UN backing for the US in Iraq, which is all the "peacenik" governor ever did. The economy is a different matter. The minute Deans opens his mouth to any consequence on serious issues like the minimum wage, or trade, or the World Bank, or corporate taxes, or redistribution the pundits will be at his throat.

As for Dean himself, by and large he's a balanced budget guy in the Clinton manner. He keeps highlighting that he covered all kids with health care in Vermont, did other decent things and also balanced the budget. He did it, of course, the same way Clinton did in the US, by cutting spending on other things. What's piquant now is to see the Clintonites, who hate Dean, attacking him as unelectable because he comes from a small poor state, has little experience in national campaigns and no experience of foreign policy. Been there before?

Dean was always a New Democrat, but now he's resurrected himself as a Democrat's Democrat and the Clintonites seem to believe him. So does everyone else, with Joe Lieberman saying he's trying to take the party back to the bad old days before Clinton.

What Dean could busy himself with in the interim, should we be right and he wraps it up by Easter, is the old task of galvanizing the base, which is what at present he says he's all about. He spent the whole initial phase of his campaign doing house parties, staying in the homes of supporters, flying coach, just as Jimmy Carter did back in late '75, when Anthony Lewis reported in the New York Times in awed tones that the Pea-

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the record of decision opening 4.6 million acres in the northeastern corner of the reserve to oil leasing.

In one of the more robust hypocrisies of the Clinton age, the green establishment largely went along with Babbitt's plan to open the petroleum reserve, under the deluded impression that to do so meant they would be able to keep the oil companies out of ANWR.

Of course, by swallowing Babbitt's plan to open the petroleum reserve to oil drilling the greens basically undermined nearly every ecological and cultural argument for keeping the drillers out of ANWR.

Like ANWR, the petroleum reserve is home to a caribou herd. But the Western Arctic caribou herd that migrates across the reserve is almost twice as large as the herd that travels across ANWR. Similarly, the petroleum reserve is home to a slate of declining species, including polar bears, Arctic wolves and foxes, and musk ox.

Unlike ANWR, the petroleum reserve contains one of the great rivers of the Arctic, the Colville River, the largest on the North Slope, which starts high in the Brooks Range and curves for 300 miles through the heart of the reserve to a broad delta on the Arctic Ocean near the Inupiat village of Nuiqsut.

The Colville River canyon and the nearby lakes and marshes is one of the world's most important migratory bird staging areas. Over 20 percent of the entire population of Pacific black brant molt each year at Teshekpuk Lake alone. The bluffs along the Colville River are recognized as the most prolific raptor breeding grounds in the Arctic, providing critical habitat for the peregrine falcon and rough-legged hawk.

Under the Bush plan, 9 million acres would be opened to drilling almost immediately and another 3 million acres, near the Inupiat village of Wainwright, would be opened later in the decade. The plan, tailored to meet the needs of ConocoPhillips, will call for 1,000s of wells, hundreds of miles of road, dozens of waste dumps and a network of pipelines to transport the oil to Prudhoe Bay and the trans-Alaska pipeline.

"It's never enough for big oil," says Cindy Shogan, director of the Anchorage-based Alaska Wilderness League. "They won't be happy until every acre in America's arctic is a wasteland filled with oil, pipelines and roads."

But oil and gas may not be the only objective. The BLM, which never misses an opportunity to pursue maximum development of public lands, estimates that the petroleum reserve may harbor approximately 40 percent of all coal remaining in the US (400 billion to 4 trillion US tons).

Coming soon: strip mines in the Arctic.

Newsom Just Makes It

By Ben Terall

In the final days of the mayoral campaign San Francisco saw an influx of big-money Democrats suddenly filled with enthusiasm for Gavin Newsom, who they helped elect as heir to outgoing Mayor Willie Brown. Apparently feeling that their legacy of pushing U.S. politics to the right via corporate-friendly triangulation and "bipartisan" cooperation with Republicans was not enough of a gift to future generations, both Bill Clinton and Al Gore blessed San Francisco with personal appearances to "save" the Mayoral runoff from going to Green Party member Matt Gonzalez. Clinton told 150 Newsom precinct captains that "I believe in Gavin Newsom and his politics" before biting his lip, while Al Gore declared himself "passionate" about Newsom, whom he had never previously met. Though the race was technically non-partisan (party labels not appearing on ballots), San Francisco Congresswoman Nancy Pelosi explained, "it's very important for the Democratic Party that a Democrat win in San Francisco." Both California Senators, Dianne Feinstein and Barbara Boxer, and Bay Area congressman Tom Lantos also lined up to sing Newsom's praises. Even Jesse Jackson took the time to call in to a pro-Newsom rally of black Democrats with the comment "we paid a steep price for the right to vote," before endorsing the Brown machine's candidate.

Gonzalez's $400,000 was largely raised through a non-stop series of grassroots fundraisers held throughout the city.

This juggernaut of high-profile endorsements was mobilized to quash a scrappy grassroots campaign backing an unabashedly left former public defender who rose to the Presidency of the Board of Supervisors on the strength of his intelligence and integrity. Gonzalez explained in his campaign literature that he "values substance over rhetoric" and "[does] not speak in platitudes or use phony political jargon"; asked to explain his worldview, he told a reporter, "I fundamentally look at the world as a place where there are wide economic disparities and...if we're trying to make it a better society...we ought to be working to protect the most vulnerable people in that society." During his public defender days, Matt Gonzalez had a tendency to put up clients on his couch; that space was also occupied by San Francisco street poet Jack Micheline, who Gonzalez helped publish. Newsom spends his time with upscale, Chamber of Commerce-friendly types, and says he has an "extended family" relationship with the billionaire Getty family. Gonzalez eventually gave away his car and shares an apartment in the Western Addition, while Newsom resides in a tony Pacific Heights residence that his pal Gordon Getty loaned him $1 million to purchase. Newsom spent $4 million on his campaign, most of it from corporate backers; Gonzalez's $400,000 was largely raised through a virtually non-stop series of grassroots fundraisers held throughout the city.

Certainly Newsom does not support one of the key positions behind the Gonzales insurgency, embraced by almost all San Francisco Democrats: a committed opposition to Bush's wars. Newsom claimed that he did not sign on to a resolution condemning the invasion of Iraq because foreign policy should not be the province of supervisors, and he felt an inadequate "capacity of knowledge" to make such a decision. Given Bechtel's extensive interests in Iraq, it's odd he didn't think to ask one of his backers at that company to help cover this deficit. Gonzalez, on the other hand, clearly felt the war was wrong, and argued, "it's a lot of money that's being misspent that should be spent on municipalities and building infrastructure in our own country." He even told SF Indymedia that if he had been mayor on the day police overreacted and arrested peaceful anti-war marchers he would "have got on the phone with the Chief of Police and [said] 'hey, what the fuck are you doing?'"

In announcing her endorsement of Newsom, Pelosi claimed that the Brown protege "identifies problems and then offers solutions, he does not engage in negative attacks directed at his opponents." Newsom's campaign actually specialized in gross misrepresentations of Gonzalez's po-

(**OLS** *continued on page 12)*

(**Clark** *continued from page 1*)

be that Wesley Clark is a vulnerable witness? In the context of the ongoing—and apparently endless—"war on terrorism", might the US government wish to prevent questions being asked about General Clark's role—and that of his government—in providing military, financial and political support to the KLA , whose well-documented links to Al-Qaeda now threaten to throw intolerable light on the effects of US foreign policy in the Balkans? The ICTY has already agreed that seven paragraphs of Clark's full statement—yet unseen by Slodoban Milosevic, and of which only a summary was provided to the judges—will be placed under seal, inaccessible to the public. The US government, which obtained the right to have two representatives present in the courtroom for General Clark's testimony—in contrast to the public, who are entitled to no representative whatsoever—may request that other evidence be given in private session.

In other words, while Wesley Clark—a public figure, US presidential candidate and former Supreme Commander of NATO during its bombing of Yugoslavia—testifies at the trial of Slobodan Milosevic—the trial of the century, at least pending the trial of Saddam Hussein—the public and media is shut out. For 48 hours, the public has to wait for the US government to decide what it believes the media can be trusted to report, and what must be cut from the public record, in the name of "national interests". During the invasion of Iraq, embedded journalists obtained information in a timelier manner. And upon what basis does the Chamber decide whether or not to grant US requests to cut evidence from the public record? Isn't the concept of "national interest" a somewhat subjective, political notion, making the adjudication of its content and applicability next to impossible? A foreign government—the sole superpower—imposes conditions on the testimony of a retired general and presidential candidate against the former president of the nation bombed under the orders of the witness. The conditions of the testimony violate internationally recognized rights to public trials. The conditions violate the rights of the accused, the media, and the public. That a court of law—much less an international tribunal purportedly designed to uphold human rights and bring an end to the culture of impunity—would accept such outrageous conditions is unthinkable, unless this is a political, rather than judicial process.

The public nature of the judicial process is vital to any democracy: public access to open justice ensures fair trials. Only if justice is accessible can the people form an opinion as to whether trials conform to national and international standards. Public access to criminal proceedings protects defendants from malicious, abusive, or political prosecutions, carried out in secret, far from public scrutiny. In the context of the Milosevic trial, these considerations apply with greater urgency still, given the political nature of the Tribunal, the proceedings, as well as the financial and institutional support received by the ICTY from certain governments and individuals, whose preoccupations and interests are at odds with the requirements of justice as envisaged by international and domestic standards.

Slobodan Milosevic's right to cross-examine Wesley Clark has also been severely curtailed—contrary to the rights set out by the ICTY's Rules of Procedure and recognized in all adversarial systems of law. He is not entitled to question General Clark on matters of credibility, an outrageous restriction in light of the fact that Clark, a US presidential candidate, has recently acknowledged that the 78-day bombing campaign against Yugoslavia by NATO—a campaign for which he was directly responsible—was carried out in "technical" violation of international law.

What could General Clark have to tell the Security Council Tribunal that he hasn't said in an interview, written in an op-ed, or detailed in one of his two self-congratulatory tomes on the art of war?

Questions of credibility inevitably arise with respect to a witness testifying about Mr. Milosevic's intent and good faith as a negotiator. In such a case, the defence would be entitled to question the sincerity of the witness, one who ordered the bombing of the RTS television studios in Belgrade , just as a link-up was being established for an interview with Larry King on CNN . One could ask about the bombing of a passenger train, and in particular, about the less than forthright justification provided by the witness, publicly, for that incident of "collateral damage" . General Clark's incredible explanations for the bombing of the Chinese embassy would also constitute appropriate lines of cross-examination.

It is presently unknown to the public if Clark will ever be questioned with respect to the bombing campaign. If (I write before his appearance at the Tribunal) his statement does not cover NATO's attack on Yugoslavia, Slobodan Milosevic will not be entitled to raise it at all, as the conditions obtained by the US government limit questions asked to the content of Clark's statement . The ICTY has allowed Mr Milosevic to "seek to have the scope of examination expanded by prior agreement of the US government" . This delegation of judicial authority by the Trial Chamber to the US government would be comical if it were not such a striking manifestation of this institution's incapacity to act judicially. Why can't President Milosevic apply to the judges to request a wider scope of cross-examination? When did the US government replace the judges on the bench? No legal explanation or authority is provided by the ICTY's decision to justify such an incredible measure. It is simply an admission that this institution cannot adjudicate the facts or apply the law with the independence and impartiality required by international legal authority as well as its own statute, which provides that "The Trial Chambers shall ensure that a trial is fair and expeditious and that proceedings are conducted in accordance with the rules of procedure and evidence, with full respect for the rights of the accused and due regard for the protection of victims and witnesses".

The Rules of the ICTY also set out that "all proceedings before a Trial Chamber, other than deliberations of the Chamber, shall be held in public, unless otherwise provided." Exceptions to this rule do not include the imposition, by a foreign government, of closed sessions and censorship of the public record, based on "national interests" , even when that governement is an indispensable financial contributor to the Tribunal.

What are "national interests", anyway? One could be forgiven for concluding that they could mean anything. The law is silent as to the definition of this notion. The concept of "national security" however, has been

nut farmer actually made his bed when he stayed in folks' homes. That's personal populism on the cheap.

Only now Dean is getting union support and winning black support slowly. As soon as Carol Mosely Braun drops out he will get the organized women. He was in Florida at a party convention going on and on about the base.

We hear from a trusted CounterPuncher who's watched him on the campaign trail that "Dean's a lot better in person than he is on TV. What people seem to like about him is that he doesn't come with an armload of policy proposals. No one pays attention to those, and they probably will never happen anyway. And he gets angry and makes mistakes and is human. The standard media line is that he's arrogant, but he doesn't play that way. And he doesn't try to be down with the people in an act he can't pull off, in the embarrassing manner of W. Bush.

"Dean says he's in the business of selling hope, which is what this strange grassroots campaign he's built is fueled on. His latest attacks on the right are interesting because, again, they are outside the usual Democratic homilies about a woman's right to choose etc. Dean says look, there are all sorts of things all people are never going to agree on: prayer, abortion, homosexuality. The right uses those things to distract people from the main event: making the mass of people poorer, less secure, less healthy, etc. Just like they use race (about which Dean made a terrific speech in early December, praised by our friend the Black Commentator as one of the best from a white person he could ever remember). So there ought to be equality under the law, that's what most people should agree on. And then people shouldn't be homeless, shouldn't be hungry, shouldn't be thrown away empty while others gorge. They should have health insurance. Small businesses should be able to make it, and schools shouldn't be scary, and tax cuts that reward the wealthy and make cities and states basket cases are a real problem. It's all straight stuff.

"I get all the other campaigns press releases and they're issuing endless attacks on him for some policy arcana. I can't see how that will stick—especially after being in South Carolina, where no one follows the details at all, let alone the main event of the campaign. I imagine if he pushes these attacks on the right the press will then dog him about what he really thinks about homosexual marriage, what he really thinks about prayer, etc., and he's going to have to be prepared to say something politic and sensible that doesn't turn all that pwogwessive and gay support off and doesn't lose the 'center'. But it seems if anyone is capable of disarming opponents on this he might be, just because of his style."

Gephardt is already crowing that Saddam's capture proves he, Gephardt, was right all along in supporting the war. Lieberman says the same. The obvious answer to them is, then why not stay with Bush?

Dean, as noted above, was trying to deflect from the war even before Saddam's capture, but he can't get away from it without political disaster. The best direction for him was provided by Kucinich in the last debate, who said you can't separate the war/occupation from the economy, from human and civil rights, from rewarding the rich at the expense of everyone else, because they're all tied together. Maybe Dean will now take to listening to the Martin Luther King of 1967, talking about the "triple evils" of "racism, economic exploitation and war" but that seems a very, very long shot. If things settle down and Bush can pull out the troops, it's going to take more than the tepid arguments Dean is raising now to criticize the war mentality.

The heavy lifting in prying open the petroleum reserve to plunder by the oil companies was done by Bill Clinton and Bruce Babbitt in 1996.

Oil Grab in Alaska

By Jeffrey St. Clair

With the attention of the press and the big greens fixated on the fate of the Alaska National Wildlife Refuge, the Bush administration has quietly launched a quick strike on an equally pristine stretch of the arctic plain for massive oil and gas drilling.

Under a plan set for approval in mid-December, the Bush Interior Department will start leasing off to big oil nearly 9 million acres of untrammeled tundra west of Prudhoe Bay. The area targeted for drilling sits in the northwest corner of the 22.5 million acre National Petroleum Reserve.

The National Petroleum Reserve, located on the Arctic plains just west of Prudhoe Bay, was set aside by President Warren Harding in 1923 and was only to be developed in the case of a national emergency. Control over the reserve's oil was originally left in the hands of the US Navy, which proved a zealous guardian. The Navy resisted demands by big oil to open the reserve to drilling through the Second World War, the Korean and Vietnam wars and the energy crisis. Frustrated by the Navy's obstinacy, the oil lobby pressured the Ford administration to transfer authority over the reserve from the Pentagon to the Interior Department, which has long done the oil industry's bidding.

Through the 1980s the Interior Department began cobbling together different plans for opening the reserve, but none got very far, mainly because the Reagan and Bush administrations were obsessed for political reasons with the doomed quest to tap into the Alaska National Wildlife Refuge, the 14 million acre swatch of tundra, lakes and mountains east of Prudhoe Bay.

Although the petroleum reserve is larger than ANWR, just as valuable ecologically and is still used for subsistence hunting and gathering by the Inupiat, the scheme to turn the coastal plains of the petroleum reserve into a full-scale oil field has gotten precious little public attention. Why? One reason is that environmental groups have focused all of their attention on saving ANWR, which has been under threat for two decades. The other, perhaps more telling reason, is in prying open the petroleum reserve to plunder by the oil companies the heavy lifting was done by Bill Clinton and Bruce Babbitt in 1996.

In a cozy session with oil executives held in at a ranch in Jackson, Wyoming, Clinton and Babbitt agreed to deliver on two long sought goals: rescinding the ban on the export of Alaskan crude oil and opening the Alaskan petroleum reserve to drilling. Neither move generated much coverage by the national press.

Babbitt went to work and within months announced his intention to open the reserve to drilling, promising at the same time that he would "visit every lake and pond" to make sure the oil companies would not mar the tundra. On October 8, 1998, Babbitt signed

studied and defined as a legal concept. In particular, the question of whether and when the public can be deprived of access to information in the name of national security was the object of an important international legal conference held in Johannesburg in 1995, at which the "Johannesburg Principles on National Security, Freedom of Expression and Access to Information", were adopted. The meeting was convened by Article 19, the International Centre Against Censorship, and the Centre for Applied Legal Studies of the University of Witwatersrand, South Africa .

A restriction to open justice, on the ground of "national security"—and not "national interest"—a concept which would appear to protect less urgent concerns—is not, according to Principle 2 of the Johannesburg Principles "legitimate unless its genuine purpose and demonstrable effect is to protect a country's existence or its territorial integrity against the use or threat of force, or its capacity to respond to the threat or use of force, whether from an external source, such as a military threat, or an internal source, such as incitement to overthrow the government."

Did the US government argue that the very existence or territorial integrity of the United States of America would be imperiled by Wesley Clark's public testimony? It is unknown whether they did or not, because the application made by the US government to require these conditions—without which conditions they would not permit Wesley Clark to testify at all—was confidential. The hearing was confidential. And the confidential decision setting out these conditions—released to the public over two weeks after being handed down—fails to offer any indication of which "national interests" were invoked by the United States government to justify such sweeping measures of secrecy. The Johannesburg Principles also set out what would not constitute a legitimate restriction to a public trial on the basis of national security:

"In particular, a restriction sought to be justified on the ground of national security is not legitimate if its genuine purpose or demonstrable effect is to protect interests unrelated to national security, including, for example, to protect a government from embarrassment or exposure of wrongdoing, or to conceal information about the functioning of its public institutions, or to entrench a particular ideology, or to suppress industrial unrest."

Clearly, the fact that the ICTY would accept the imposition by the US of conditions which egregiously violate one of the most fundamental principles of international law—public trials—without a public case ever having being made to justify such an unprecedented restriction, should thoroughly dispel any myths about the fairness of these proceedings.

Consider, in addition, that Wesley Clark is very much a public figure, he is running for President of the United States, and accordingly, his testimony should be subject to public scrutiny. And note that General Clark, retired, testifies against Slobodan Milosevic in interviews almost every day—and frequently engages in derisive imitations of him which mock his Slavic-accented English . Could it be that the ICTY is protecting the US "national interest" in the public and media by not hearing Slobodan Milosevic effectively cross-examine Wesley Clark? The US governement has succeeded in insulating Clark's testimony from public scrutiny in the name of "national interests". But why stop at General Clark? And why would other NATO countries fail to seize this opportunity to testify as accusers without having to bear the consequences of a transparent process?

Clark— a board member of George Soros' International Crisis Group, alongside justice Louise Arbour — is given an opportunity to testify in the absence of the press as a condition imposed by the US.

This precedent will no doubt be invoked to protect other American officials from the strains of public trials, and in turn, serve to further secure US impunity under international law. US impunity is already well-established, considering the American governement's refusal to submit to the jurisdiction of the International Criminal Court for fear of "political prosecutions" . Such a concern, when viewed in light of the massive US contribution to both ad hoc Security Council tribunals, the ICTY and ICTR—from which one may presume that the US has culled evidence of unfounded, politically-motivated prosecutions—elevates disingenuity to dizzying heights.

The right to a fair and public trial is the right to a fair and public trial before an independent and impartial tribunal. Every international legal instrument recognizes this basic principle .

Wesley Clark will presumably be testifying about his role as NATO Supreme Commander. The US is a NATO country—arguably the NATO country. As Wesley Clark put it: "we're the leaders of NATO, we set up NATO, it's our organization." The ICTY is in a difficult position to act as an independent judicial body, because NATO has stated that "it is one" with the Tribunal. NATO spokesman Jamie Shea, on May 16 1999, told the press that when "Justice Arbour starts her investigation, she will because we allow her to. (...) NATO countries are those who have provided the finance to set up the Tribunal, we are amongst the majority financiers (...)so let me assure that we and the Tribunal are all one on this, we want to see war criminals brought to justice and I am certain that when Justice Arbour goes to Kosovo and looks at the facts she will be indicting people of Yugoslav nationality(...)"

It is difficult to imagine a more damning admisssion. By stating that its constituent countries are the Tribunal's major financiers, NATO is in essence claiming to pay the salaries of the judges and prosecutor of the ICTY. And that statement is somewhat inconsistent with the requirements of institutional independence and impartiality for a criminal trial.

And when NATO's former Supreme Commander,-- a board member of George Soros' International Crisis Group, alongside Canadian Supreme Court Justice Louise Arbour -- is given an opportunity to testify in the absence of the press because this is a condition imposed by the United States—any appearance of justice, beyond the cosmetic trappings of judges' robes, and the ritual incantions "all rise" and "be seated" (although who will be there to rise and be seated?) vanish in a puff of smoke. CP

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The Miami Model in Context
A Quick History of Crowd Control

By Kristian Williams

On November 20, as thousands of union members, environmentalists, and human rights advocates gathered in Miami to protest against the Free Trade Area of the Americas, the police were engaged in a different kind of demonstration.

It was, to say the least, a massive display of force. More than 2,500 officers from 40 agencies fenced off a large portion of the city, set up military-style checkpoints, and saturated the surrounding area. Cops in body armor guarded street corners and train platforms. Snipers stood on rooftops. In the days leading up to the march, police stopped, searched, and identified countless people suspected of being protesters.

Some were arrested for "loitering," and held on $20,000 bonds. Protest organizers reported being followed, threatened, and harassed. When the demonstrations began, the repression intensified. Plainclothes cops made arrests from within the crowds. Cops in riot gear attacked unarmed protesters, using clubs, shields, tasers, tear gas, pepper spray, and concussion grenades, as well as rubber bullets and other "less-lethal" projectiles. All together, 282 people were arrested and scores injured.

One medic estimated that as many as fifty people sought treatment for head injuries—"ten serious, five of them critical". One man spent the night in jail without any medical treatment; when he was released, his brain was hemorrhaging. The medic told me, "Most of the injuries we saw were from the shoulders up. That led us to believe that police were intentionally aiming at people's heads with rubber bullets."

But the police action went beyond arrests and violence. Cops turned back busses full of union activists, preventing them from even reaching the demonstration. They pressured churches to rescind offers to house visiting activists. They attacked a first aid station and arrested legal observers. They ran an intensive propaganda campaign, complete with "embedded" reporters. They canvassed businesses, warning of coming riots and forcing some proprietors to remove anti-FTAA posters. All together, these tactics seem more focused on politics than the law. The cops essentially acted like the FTAA's private army.

While Amnesty International is calling for a human rights investigation, Miami Mayor Manny Diaz is bragging, "This should be a model for homeland defense".

There is actually very little new about the default-to-force employed in Miami. But it does represent a departure from the course crowd control strategies have followed until now. Throughout the twentieth century, police experimented with several approaches, each designed to require less violence than the one before. The Miami Model, however, is characterized by an ubiquitous police presence, the ostentatious display of weaponry, a zero-tolerance attitude toward disorder, an acute disregard for Constitutional rights, and a general reliance on force. To understand why this variant has emerged, and why it is prone to failure, we should look at the evolution of crowd control and consider the weaknesses of earlier models.

In the nineteenth century, the response to civil disturbances followed a strategy of "Maximum Force" modeled after military engagements: a call for surrender (specifically, an order to disperse), then a full-scale assault.

In the nineteenth century, the response to civil disturbances followed a strategy of "Maximum Force" modeled after military engagements: a call for surrender (specifically, an order to disperse), then a full-scale assault. This blunt procedure survived as the dominant strategy until the 1920s, but it did have its problems. Tactics developed for the battlefield were not readily transferable to urban riots or widespread strikes. And the resulting massacres often generated more support for the rioters or the striking workers. For example, in 1877, when the militia killed eleven strikers in Reading, Pennsylvania, union supporters responded by looting freight, destroying rail lines, and arming themselves with rifles from the militia's own armory. This was not the desired result.

Gradually, a more sophisticated approach was developed. By the 1920s, military theorists prescribed the use of violence only in proportion to the difficulty of dispersing a crowd. One manual explained: "Troops on riot duty should keep in mind the fact that they are called upon to put down disorder, absolutely and promptly, with as little force as possible, but it should be remembered, also, that in the majority of cases the way to accomplish these ends is to use at once every particle of force necessary to stop all disorder." Police would thus begin with a strong show of force, followed by verbal warnings; then, the use of clubs, bayonets, rifle butts, and fire hoses; and as a last resort, firearms. (For more on these early crowd control strategies, see: Eugene L. Leach, "The Literature of Riot Duty: Managing Class Conflict in the Streets, 1877-1927" Radical History Review (Spring 1993).)

In this way, Maximum Force was refined to create the "Escalated Force" model that endured until the 1970s. Under the new approach, force remained the standard response to disorder, but its level and form could be adapted to meet the demands of the particular situation. In

some cases, arrests immediately followed any violation of the law, no matter how minor. In others, police arrested "agitators," whether or not they had done anything illegal. Police could also choose to use violence instead of making arrests, either to disperse crowds or to punish disobedience.

During the civil rights and Vietnam war era, these tactics produced one disaster after another, from Bull Connor's use of cattle prods and police dogs against civil rights marchers in 1963, to the massacre at Kent State in 1970. The police showed themselves to be quite adept at escalating violence, but de-escalating it was another matter; they simply lacked the discipline and internal organization necessary to sustain the lowest level of effective force.

Occasionally the command structure broke down altogether, and the cops attacked demonstrators helter-skelter. The most famous "police riot" accompanied the 1968 Democratic National Convention in Chicago. As Daniel Walker noted in his report on the DNC, "Fundamental police training was ignored; and officers, when on the scene, were often unable to control their men." Police viciously and indiscriminately beat protesters, bystanders, and reporters, hospitalizing more than 100 people. But it was not simply the brutality that turned the authorities against Escalated Force. Nor was it a concern for the rights of demonstrators.

Instead, the push for reform was chiefly pragmatic. After a decade of unrest and constant repression, Escalated Force seemed to be making things worse. The President's Commission on Campus Unrest warned that "to respond to peaceful protest with repression and brutal tactics is dangerously unwise. It makes extremists of moderates, deepens the divisions in the nation and increases the chances that future protests will be violent."

To correct for these difficulties, government-sponsored commissions, law enforcement officials, and the military all set about reinventing crowd control. "Negotiated Management" was born. Since the 1980s, police have relied more on the pacifying effects of discussion and compromise than on intimidation and physical force.

Under the Negotiated Management model, commanders deliberately downplayed the coercive aspects of their operations, preferring to make deals with protest leaders instead. Rallies and marches were no longer treated as riots waiting to happen, but as civic events requiring careful planning— with the assistance of the police, of course. Negotiations provided information about activist plans, and let the government regulate factors like the time and location of protest events. But the actual work of crowd control mostly fell to demonstration organizers, and to the marshals they provided to keep the action in bounds. Protests became a whole lot safer, in more ways than one. Demonstrations, even civil disobedience, started to resemble choreographed performances rather than genuine threats to public order. As such, they could be neutralized without being crushed. (For a detailed treatment of Escalated Force and Negotiated Management, see: Clark McPhail, et al., "Policing Protest in the United States: 1960-1995" in Policing Protest: The Control of Mass Demonstrations in Western Democracies. Donnatella della Porta and Herbert Reiter, eds. (Minneapolis: University of Minnesota Press, 1998).)

Under the Negotiated Management model, commanders deliberately downplayed the coercive aspects of their operations, preferring to make deals with protest leaders instead.

All that changed on November 30, 1999, when protests against the World Trade Organization paralyzed downtown Seattle and stalled the WTO's conference while the police struggled to regain control of the streets.

In their After-Action Report, the Seattle Police recognized their strategic mistake: "While we needed to think about a new paradigm of disruptive protest, we relied on our knowledge of past demonstrations, concluding that the 'worst case' would not occur here." Despite well-publicized plans to disrupt the conference, police commanders "Trust[ed] that Seattle's strong historical precedents of peaceful protest and our on-going negotiations with protest groups would govern the actions of demonstrators."

Since then, police around the country have made it a point of pride not to repeat Seattle's mistakes. With each major mobilization, police have added to their repertoire of tough tactics—exclusion zones, raids, and preemptive arrests at the April 2000 anti-IMF protests in D.C.; all that, plus conspiracy charges against demonstration organizers, and the preemptive destruction of protest materials (especially puppets) at the Republican National Convention in Philadelphia that August; and, an unprovoked cavalry charge and barrage of rubber bullets at the Democratic Convention in Los Angeles a couple weeks later. This progression reached its logical conclusion in Miami, with a full return to the Escalated Force approach.

Lieutenant Bill Schwartz told the New York Times (11/21/03), "I believe we have been having success so far, which means minimal violence because of the show of force. Folks who have been around for a few days see that we are well trained and well manned."

This training represents the key difference between Miami, 2003 and Chicago, 1968. It is not the strategy that has changed, but the organization employing it. Today's police force is far more militarized than that of the sixties, and the operational implications of this are two-fold. First, it means that the overall capacity for organized violence has increased. Second, it means that discipline and command-and-control are (or can be) far more effective. Militarization thus mitigates one major risk of the Escalated Force model—the danger of a police riot.

However, the downfall of Escalated Force was not simply tactical or operational, but political. Escalated Force tended to increase the militancy of the protesters, discredit the government, and divide elites. The Miami Model retains these risks. As the possibility for unhindered peaceable assembly recedes, protest activity comes to be seen—from all sides—as a mode of combat, and the line between "peaceful protesters" and "violent anarchists" grows increasingly hazy. As open conflict is normalized and the police become less tolerant of even symbolic dis-

(**Miami Model** *continued on page 10)*

Annual CounterPunch Honor Roll

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These are turbulent, testing times. The Bush war machine rolls on. The Israeli occupation grinds forward with targeted assassinations, the demolition of Palestinian homes and the erection of Sharon's apartheid wall. On the homefront, John Ashcroft and his prosecutorial minions wage war on the Bill of Rights, while Gale Norton and her flacks at the Interior Department have jettisoned federal environmental laws in order to open the public estate to plunder by the big oil and timber companies. With Clinton-era elimination of many social welfare programs, the Bush recession has taken a ghastly toll on working class and poor Americans.

Yet, there is a growing international resistance to these incursions. Each year CounterPunch brings you a list of worthy and needy groups that are putting up a good fight against long odds, never losing their optimism that change can be wrought, from the ground up. These groups don't act like subsidiaries of the Democratic Party and aren't neutered by big foundations. So, of course, they mostly operate on a shoestring and greatly value each contribution. Give them what you can. We don't think you'll be disappointed in the results. All are federally tax exempt, non-profit charitable organizations.

Bring Them Home Now!
c/o Veterans for Peace
438 N Skinker Blvd St. Louis, MO 63130

Bring Them Home Now! is a campaign of military families, veterans, active duty personnel, reservists and others opposed to the ongoing war in Iraq and galvanized to action by George W. Bush's comic-strip challenge to armed Iraqis resisting occupation to "Bring 'em on." Their mission is to mobilize military families, veterans, and GIs to demand: an end to the occupation of Iraq and other misguided military adventures; an immediate return of all US troops to their home duty stations. Many Americans do not want our troops there. Many military families do not want our troops over there. Many troops themselves do not want to be over there. The overwhelming majority of Iraqis do not want US troops there. Without a clear mission, they are living in conditions of relentless austerity and hardship. At home, their families endure extended separations and ongoing uncertainty.

"As military veterans and families, we understand that hardship is sometimes part of the job," says Stan Goff. "But there has to be an honest and compelling reason to impose these hardships and risks on our troops, our families, and our communities. The reasons given for the occupation of Iraq do not rise to this standard. Not one more troop killed in action. Not one more troop wounded in action. Not one more troop psychologically damaged by the act of terrifying, humiliating, injuring or killing innocent people. Not one more troop spending one more day inhaling depleted uranium. Not one more troop separated from spouse and children. This is the only way to truly support these troops, and the families who are just as much part of the military as they are."

Powder River Basin Resource Council
P.O. Box 1178,
Douglas, Wyoming 82633

The biggest natural gas rush in history is now going on in Wyoming, the way greased by Bush's Deputy Secretary of the Interior Steven Griles, a former lobbyist for the oil and gas industry, who still gets a paycheck from his former clients. If Bush and Griles have their way, more than 51,000 new wells will be drilled in the Powder River Basin alone. Along with the wells will come thousands of miles of roads and pipelines, toxic holding ponds, and the depletion and contamination of groundwater--80 percent of the people in northern Wyoming depend on wells as their sole source of water. This scheme has united fierce opposition from groups that have in the past been indifferent, if not antagonistic, towards each other: Indian tribes, ranchers and environmentalists. Several local groups are fighting the gas companies, including the Wyoming Outdoor Council and Biodiversity Conservation Alliance. But the most interesting may well be the Powder River Basin Resource Council, an alliance of ranchers and local landowners in this notoriously conservative region of an ultra conservative state.

"As a rancher in the midst of this mess, I am concerned because the mineral industry holds all the power", Nancy Sorenson, director of the Powder River Basin Resource Council, tells us. "I'm insulted by this paternalistic system where the mineral corporations supposedly "volunteer" to treat landowners fairly. I want a system in which the landowner is a full and equal partner in the planning and process of developing his or her own land and minerals. In light of recent disclosures it is not a good time for individuals to believe any corporate entity that says, 'Trust Me.'"

Campaign To Stop Killer Coke
P.O. BOX 1004, Cooper Station,
New York, NY 10276-1004

The realization that U.S.-based multinational corporations like Coca-Cola can get away with murder prompted Corporate Campaign, Inc.(CCI), working closely with the International Labor Rights Fund (ILRF), to organize the worldwide Campaign to Stop Killer Coke. In July 2001, the ILRF co-sponsored a lawsuit on behalf of the Colombian union SINALTRAINAL and its members, charging that Coca-Cola bottlers "contracted with or otherwise directed paramilitary security forces that utilized extreme violence and murdered, tortured, unlawfully detained or otherwise silenced trade union leaders." While the litigation proceeds, the campaign is putting pressure on top policymakers and major shareholders of Coca-Cola, seeking to force the company to protect its workers, respect their rights, and provide compensation to the victims and survivors.

Targets of the campaign include billionaire investment guru Warren Buffet (Coca-Cola's largest stockholder); internet mogul Barry Diller, and Suntrust Banks. The chief architect and director of the campaign is CCI founder and veteran organizer Ray Rogers who pioneered "corporate campaign tactics" of confronting corporations with a divide-and-conquer strategy by pressuring board members and a corporation's financial underpinnings. In 1995 the U.S. Chamber of Commerce and conservative members of Congress sought unsuccessfully to outlaw Rogers' "corporate campaign tactics." Rogers and CCI have worked with labor unions and a variety of nonprofits, most notably the Pacifica Campaign to wrest control from the corporate interests that preyed upon the Pacifica Radio Network. For the Campaign to Stop Killer Coke, Rogers has re-

cruited hundreds of professionals and union, student, and peace activists to volunteer, and his firm CCI has donated thousands of hours and resources to building the campaign. Make out your donations to "Campaign to Stop Killer Coke/ILRF".

Adopt-A-Native-Elder Program
POB 3401,
Park City, UT 84060
(435) 649-0535

The Adopt-A-Native-Elder Program started through the efforts of Linda Myers of Park City, Utah. In the late 1980s Meyers, an artist, was stunned by the intricacies of the patterns at a rug show displaying the weavings by the Elders from the Big Reservation. Touched by the stories of the Navajo people as told by Grace Smith Yellowhammer and Rose Hulligan during that rug show, Meyers soon became very involved in gathering donated food, clothing, firewood and simple medicines and was driving to the reservation in Northern Arizona to deliver them to Elders living traditionally on the Land. Within a year, and with the help of Jeannie Patton, a network grew around the vision that Linda had for supporting the traditional Elders in the native tradition of the Giveaway. At first it was just a group of one or two four-wheel drive vehicles making their way through the remote areas of Northern Arizona. But those few were soon joined by many others who were touched by the purpose of the Program. Today over 450 people from all over the United States and a few foreign countries have joined in the Spirit of the Giveaway. The Program supports 350 traditional Elders who live in the Northern portion of Arizona and Southern Utah. The activities of the Program focus on helping traditional Elders live on the Land in the ways of Dine', as they have for thousands of years. This Program is assisted by traditional Dine' people who serve as coordinators in various parts of the reservation to help the organization determine the needs of the Elders in their own culture and lifestyle.

"Adopt-an-Elder is not a religious or political organization, says Meyers. "Many organizations exist to assist the Native Americans with the political issues they face. Our focus is on supporting the Elders who desire to remain on the Land, living in the traditional ways of the Dine'." All services of the Program are provided through donations. All administrative work is provided by volunteers, many of whom donate hundreds of hours each year.

Citizens United for Rehabilitation of Errants
P.O. Box 2310
Washington, DC 20013-2310
(202)789-2126

In early December an 80-page report by a group called Grassroot's Leadership revealed that the nation's largest private prison company, Corrections Corporation of America, had used campaign contributions and intimate ties with conservative politicians to legislate harsher prison sentences for nonviolent crimes in order to boost demand for prisons. The same report detailed how the CCA, which pays its largely untrained workers and guards a pittance, bilks money off prisoners through outrageously high phone charges and other incarceration fees. National CURE (Citizens United for Rehabilitation of Errants) is a grassroots organization of prisoners, families of prisoners, former prisoners and concerned citizens working to reform the prison system . "Our two goals are first, to use prisons for only those who have to be in them," Charles Sullivan, CURE's executive director tells us. And for those who have to be in them, our second goal is to give them all the rehabilitative opportunities to turn their lives around. "Our biggest project lately is to reduce the exorbitant cost of phone calls made by prisoners to their loved ones," says Sullivan. "This is because jails and prisons routinely only allow prisoners to call collect and there is usually a 50 cent on every dollar-made kickback given to the correctional agency."

CURE is also working against the death penalty. It recently launched the For Whom the Bell Tolls project aimed at getting religious organizations across the world to ring their bells at the moment of each execution. "The tolling bells will be a reminder to all who hear them that all of us are diminished by continuing acts of state-sponsored murder," says Dorothy Briggs, director of the bells project.

The Kopkind Colony,
158 Kopkind Rd,
Guilford, Vt 05301
802-254-4859
john@afterstonewall.com

Above Weatherhead Hollow Pond, a few miles from Brattleboro, Vermont, we find the Kopkind Colony, a summer project begun as a living memorial to Andrew Kopkind, whose standing as the best radical journalist of his generation is lastingly set in Verso's collection of his writings, edited by JoAnn Wypijewski, The Thirty Years' Wars. On the theory that we can't act without thought and can't think without rest, the Colony has, since 1999, been bringing left journalists and activists together for a week of seminars, cross-generational exchange, good food and fun. Colony is not geared for solitary work but for collective engagement. It's free for all the participants. Every year the colony holds summer sessions involving seven younger journalists and activists

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(**Miami Model** *continued from page 8)*

plays of dissent, the incentive for protesters to cooperate with the authorities rapidly diminishes.

The anger of labor leaders suggests that this process is now underway. In a letter to Governor Jeb Bush (dated December 3, 2003), AFL-CIO President John Sweeney complains bitterly of "the direct violation of earlier agreements reached between the police and the AFL-CIO." He writes: "The AFL-CIO took the lead in negotiating with local police. . . , trained hundreds of union volunteers to serve as peacekeepers for our rally and march on November 20, and provided the resources to meet all of the security needs of the venues for our event. Despite these good faith efforts, union members and other peaceful protesters were met with obstruction, intimidation, harassment, and violence at the hands of police in Miami." Naturally, the cops' broken promises threaten the framework of future negotiations.

Meanwhile, United Steelworkers of America Local 1010 President Tom Hargrove questions the wisdom of playing by the cops' rules. He reasons: "People never heard our message [against the FTAA]. . . . All that was on TV was people throwing stuff and getting arrested. I think civil disobedience is the way we have to go."

Ultimately, the Miami Model will likely prove self-defeating. Repression on its own cannot stifle the opposition to globalization. That resistance is grounded in very real economic, environmental, and humanitarian concerns. Tear gas will not make these go away. It may, however, help put the war back in the class war. CP

Kristian Williams is a member of Rose City Copwatch, in Portland, Oregon, and the author of Our Enemies in Blue: Police and Power in America (forthcoming, Soft Skull Press).

and two to four veterans of the same occupations. Every year someone says, "It changed my life". Every year it holds public events for the community—free movies and speakers and an annual small fundraising lunch with special guests and, as always, vivid discussions. Speakers and mentors to the colony have included Tariq Ali, Patricia Williams, Rabab Abdul Hadi, Robin D. G. Kelley, Grace Paley, Robert Pollin, Makani Themba Nixon, Ron Nixon, Mandy Carter, Doug Lummis, Kevin Alexander Gray, Margaret Cerullo, Alisa Klein, Mike Marqusee, Nabil Abraham, and Kopkind's close friend, CP coeditor Alexander Cockburn.

This past summer the themes were internationalism and resistance and, in a special collaboration with the Eqbal Ahmad Initiative at Hampshire College, the question of Palestine. Participants hailed from Uganda and Pakistan, from Dearborn and the West Bank, and from all over the US.

Rachel Corrie Foundation
for Peace and Justice
P.O. Box 12149
Olympia, WA 98508

On March 16, 2003, Rachel Corrie, a young activist fresh from Evergreen College, was crushed to death by an IDF bulldozer as she tried to prevent the demolition of a palestinian home in the town of Rafah, Gaza. Rachel's killers have never been brought to justice. The US Congress has never launched an investigation. The Bush Administration swallowed the Israeli line that Rachel was responsible for her own death. In one frightful instant Rachel's parents, Cindi and Craig, had their hearts broken and were transformed into human rights organizes. Craig quit his job in North Carolina and he and Cindi moved back to Olympia to campaign for justice for their daughter and for the Palestinians living under the occupation. The Rachel Corrie Foundation funds their courageous work.

"In her actions Rachel affirmed her responsibility for upholding the inherent dignity and equal rights of all people, including their right to a nationality," says Jeff Halper of the Israeli Committee Against Home Demolitions. "She opposed non-violently the violence that occupation does the palestinians. Little moves us anymore. The demolition of 60 Palestinian homes in the Rafah section of Gaza where Rachel worked made barely a ripple when it happened a year ago. 2400 Palestinians have died in the past two years, a quarter of them children and youth, and 22,000 have been injured. Thirty percent of Palestinian children under the age of 5 suffer from malnutrition. 500,000 olive and fruit trees have been uprooted or cut down. Israel is today imprisoning the Palestinians behind a 500-mile wall that is much longer, higher and more fortified than was the Berlin wall. It's all happening before our eyes and—who cares? Rachel cared."

Peace Action New Mexico
226 Fiesta Street
Santa Fe, NM 87501

Peace Action New Mexico was founded in 1998 in the birthplace of the nuclear nightmare. They are committed to abolishing nuclear weapons and all weapons of mass destruction, redirecting excessive military expenditures to domestic investment, ending global weapons trafficking, preventing the erosion of civil liberties both in this country and elsewhere, preventing the militarization of space, and fostering non-military solutions to international conflicts. It's a grassroots, member-supported not-for-profit outfit . In 2003 Peace Action NM sponsored numerous large rallies and protests against the war in Iraq and Bush domestic policies, drawing 8,000 protesters to their February 15 rally. "Responding to email alerts, our members made as many as 1100 calls daily to our representatives in Congress in the run up to the vote on Iraq, resulting in Sen. Jeff Bingagam and Rep. Tom Udall finally voting NO on the resolution," says Beryl Schwartz. "As part of our educational program on our issues, we brought many speakers to northern New Mexico, including Dr. Helen Caldicott, Rahul Mahajan, , former U.S. Rep. Cynthia McKinney, Bruce Gagnon, David Barsamian, Mario Galvan, Damacio Lopez and most recently CounterPunch co-editor, Jeffrey St. Clair." In 2004, Peace Action NM will be campaigning for a new foreign policy and for the use of verifiable voting machines.

Cascadia Wildlands Project / NEST
POB 10455 Eugene, OR 97440
541.434.1463

Early this month Craig Beneville, a longtime friend of the CounterPunch editors, fell from an ancient Douglas-fir tree near the Molalla River in western Oregon. He died before they got him to the hospital. At the time, Craig was working on a project to locate evidence of red tree voles and other endangered species in forests slated for logging under the Clinton/Bush forest plans.

Last year, Craig and his colleagues at the Cascadia Wildlands Project launched the Northwest Ecosystem Survey Team (NEST), a group of forest watch experts committed to protecting the habitat of rare species associated with late-successional forests. NEST enforces environmental protections built into the Northwest Forest Plan—specifically the Survey and Manage Strategy. The on-the-ground information NEST develops will be critical to the CWP's work to stop old-growth timber sales and protect habitat for lesser known species. The Survey and Manage Strategy of the Northwest Forest Plan requires the Forest Service and Bureau of Land Management to conduct surveys for certain rare and endemic wildlife species that depend on old-growth habitat, and protect them where they are found. NEST has been highly successful at using the Survey and Manage Strategy to protect species.

Habitat protection for the Red Tree Vole (RTV), an arboreal mammal that lives in the upper canopy of old-growth Douglas fir trees, has received considerable attention. NEST climbing surveys have been far more effective than agency surveys. For instance, NEST typically detects almost 75% more RTV nest sites.

Recently, NEST surveys detected over two dozen RTV nests at the Straw Devil timber Sale, located in the Middle Fork District of the Willamette National Forest. Forest Service surveys found zero nests. The timber sale has since been halted. CP

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sitions, but it was the ever-shameless Brown who delivered the nastiest smear of the campaign: speaking to a group of black ministers, he told them to share with their parishioners the lie that "[Gonzalez]'s got some kind of defect in his head that makes him believe African Americans aren't qualified." This claim was ridiculous to anyone who knew an iota about Gonzalez, but it did make it into the San Francisco Chronicle. If only the paper, which has been fawning in its coverage of Newsom, had given equal time to the comments of Willie Ratcliff, publisher of The Bay View, San Francisco's only black paper, who said, "in my 50 years of voting, never have I had the faith and trust and hope in any candidate that I have in Matt Gonzalez."

But as Gonzalez told supporters shortly before the election, "If we don't do it this time, we'll do it next time. If we don't do it next time, we'll do it the time after that." And next time he will have more than four months to run.

Arnold Okays Davis Rejects for Parole

By Scott Handleman

Applauding the recall of the abominable Davis, we noted his disgusting posture on parole. In his first two weeks on the job, the Terminator granted parole to two deserving prisoners. During his entire five-year term of office, his Democratic predecessor, Gray Davis, paroled only eight persons, despite 294 favorable recommendations by the Board of Prison Terms. Even Pete Wilson, no great friend of the people, managed to parole 65.

There are 17,000 parole-eligible prisoners in California. Each year, the Board of Prison Terms reviews a few thousand applications and recommends parole for a select few. But Davis established a no-parole policy for convicted killers, and disregarded the infrequent positive recommendations of his Board. (The BPT, which recommends and revokes parole, can hardly be criticized as the domain of weak-hearted liberals. Of the six Commissioners whose bios are available on the BPT web site, every one has a law enforcement, corrections, or police union background. Earlier this year, the Sacramento Bee reported on a finding by the Inspector General that "the California officials who determine when criminals' paroles are revoked routinely overstate how much work they do, have caseloads that can be handled in less than five hours a day and make far-reaching parole decisions with little supervision or review.")

Schwarzenegger's first parolee was Fred Nesbit, a 63-year-old man convicted of second-degree murder in 1985.

Schwarzenegger's first parolee was Fred Nesbit, a 63-year-old man convicted of second-degree murder in 1985. Nesbit shot his ex-wife's boyfriend in a fit of rage after she took two of his horses. The BPT voted to release Nesbit in June, noting that he was appropriately remorseful and his early release would not pose a threat to society. Davis had refused to release him.

The second beneficiary of the Terminator's grace was Rosario Munoz. At the time of her arrest, Munoz, a mother of three, worked 15 hours a day as a dressmaker. Her husband beat and raped her for over a decade. One day she aimed a gun at her husband but shot his girlfriend instead. Munoz, who spoke no English, was sentenced to an indeterminate prison term of 15 years to life. No appeals were ever filed on her behalf.

The Board of Prison Terms found that Munoz was remorseful and unlikely to offend again. She raised money for her victim's daughter by selling the portraits she painted behind bars. But Gray Davis twice reversed the Parole Board's recommendation to release her. After she had spent 15 years locked up, Davis issued a statement that she "has not served sufficient time in prison and continues to pose too great a risk to public safety." On November 26, Schwarznegger approved her release.

On the other hand, Schwarzenegger has spurned the BPT's recommendation in the case of Kenneth Fleming, a drunk driver who killed a woman in 1986. He issued a statement that Fleming is dangerously unstable.

While Schwarzenegger's parole record is already less than perfect, it is shaping up to be way better than that of Davis. "Gov. Schwarzenegger intends to let the Board of Prison Terms do its job," spokesman Vincent Sollito was quoted as saying in a widely-printed AP story. "Only when he has a strong conviction that a clear error has been made does he intend to review the granting or denial of parole." CP

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